

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEREK GLOVER,

Petitioner,

-v-

BRONX SUPREME COURT,

Respondent.

20-CV-10359 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On July 28, 2021, the Court received an email communication from Petitioner, attached as Exhibit A, along with a document titled “First Amended Complaint,” attached as Exhibit B. Among other things, this communication is in violation of the Court’s Individual Rules and Practices in Civil *Pro Se* Cases, which provides that no documents or court filings may be sent directly to Chambers. Petitioner must instead make any filings through the Court’s Pro Se Intake Unit. In addition, the First Amended Complaint, which is unsigned, does not comply with the requirements of Rule 11(a) of the Federal Rules of Civil Procedure, which provides that “[e]very pleading, written motion, and other paper must be signed by . . . a party personally if the party is unrepresented. The paper must state the signer’s address, e-mail address, and telephone number. . . . The court must strike an unsigned paper unless the omission is promptly corrected after being called to . . . party’s attention.” Fed. R. Civ. P. 11(a). Nor may parties file things in Microsoft Word format; they must be filed as PDFs or in hard copy.

In light of the current global health crisis, parties proceeding *pro se* are encouraged to submit all filings as PDFs by email to [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov). Instructions for filing documents by email are attached to this Order as Exhibit C. *Pro se* parties are also encouraged to consent to receive all court documents electronically. A Consent to Electronic Service Form is attached to this Order as Exhibit D and is available on the Court’s website at <https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf>. *Pro se* parties who are unable to use email may still submit documents by regular mail to the *Pro Se* Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007, or in person at the drop box located at the U.S. Courthouses in Manhattan (500 Pearl Street) and White Plains (300 Quarropas Street). In either case, however, there may be significant delays before such filings are received and/or docketed. **No documents or court filings should be sent directly to Chambers.** Copies of correspondence between a *pro se* party and counsel shall not be sent to the Court. For more information, please visit the Court’s website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) and review the Court’s Individual Rules and Practices in Civil *Pro Se* Cases, attached to this Order as Exhibit E.

There is a *Pro Se* Law Clinic in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide Petitioner with advice in connection with this case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). Due to the current global health crisis, the Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, Petitioner should call (212) 659-6190 and leave a message **specifying a call-back number**.

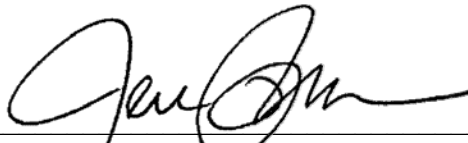
Petitioner's request for the appointment of counsel is DENIED without prejudice to a new motion made in the proper manner.

As a courtesy, given Petitioner's *pro se* status, the deadline to oppose the motion to dismiss or to amend his Petition is EXTENDED, *nunc pro tunc*, to **August 19, 2021**.

The Clerk of Court is directed to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: July 29, 2021  
New York, New York

  
\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge

# **EXHIBIT A**

**From:** [Derek Glover](#)  
**To:** [Furman NYSD Chambers](#)  
**Subject:** Amended Complaint (Derek Glover)  
**Date:** Wednesday, July 28, 2021 3:44:51 PM  
**Attachments:** [Derek Glover Amended Complaint.docx](#)

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**CAUTION - EXTERNAL:**

Good Afternoon Judge Furman:

Please see my attached amended complaint for case number 20CIV.10359 (JMF) attached to this email.

I am representing myself in this matter, however I am asking the court for legal counsel as we proceed.

Please let me know the process and what else is needed from me. Thank you for your assistance. This is why the petition should not be dismissed.  
Respectfully

Derek Glover

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>_____X</p> <p>DEREK GLOVER,</p> <p style="text-align: center;">-against-</p> <p>BRONX SUPREME COURT, BRONX 52<sup>ND</sup> PRECINCT DET. CHARLES REILLY DET. VICTOR GOMEZ-MERCADO</p> <p style="text-align: right;">Respondent.</p> <p>_____X</p>	<p><b>FIRST AMENDED COMPLAINT</b></p> <p>Petitioner,</p> <p>20 CV 10359 (JMF)</p>
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Petitioner, DEREK GLOVER, per PRO BONO, alleges \_\_\_\_ follows for his First Amended Complaint:

**PRELIMINARY STATEMENT**

1. This is a civil rights action in which the petitioner seeks relief for the respondents' violation of his rights secured by 42 U.S.C. §§ 1983 and 1985(3), and the First, Eighth and Fourteenth Amendments to the United States Constitution. The claims arise from a January 17, 2014 incident in which petitioner, was tracked down by tracking device without a signed search warrant, cell phone (containing physical exculpatory evidence) was searched and seized without a voucher. Petitioner seeks compensatory and punitive damages, declaratory and injunctive relief, an award of costs and fees, and such other and further relief as the court deems just and proper.

**JURISDICTION & VENUE**

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1985(3), and the First, Eighth and Fourteenth Amendments to the United States Constitution. Jurisdiction is conferred upon this Court by the aforesaid statutes and 28 U.S.C. §§ 1331 and 1343.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

**PARTIES**

4. Petitioner is a resident of the State of New York, County of New York.

5. The Respondents is The District Attorney Office of the Bronx Supreme Court, 52<sup>ND</sup> Precinct detectives Charles Reilly and Victor Gomez Mercado.

**STATEMENT OF FACTS**

6. On January 17, 2014, plaintiff, a New York State prisoner, was incarcerated at the Rikers Island Facility in New York, New York.
7. On the above date, undercover officials approached respondent's relative home, guns drawn without a warrant.
8. Petitioner was taken to the 52<sup>nd</sup> precinct for questioning.
9. Petitioner refused to answer questions without legal counsel and was placed under arrest without reading Miranda Rights.
10. Respondents deny petitioner a voucher for cell phone.
11. Respondents took petitioner cell phone after witnessing him make calls from interrogation room.
12. Thereafter, petitioner tries to protect the contents of cell phone for his defense.
13. As a result of respondents' actions, petitioner is forced to stop his trial and plea.
14. Petitioner legal counsel ineffective counsel for not objecting to testimony of Det. Charles Reilly.
15. Petitioner incorporates by reference the allegations set forth in Paragraphs 1 through 14 as if fully set forth herein.
16. Respondents' conduct in using force upon plaintiff for the purpose of causing him injury, and not as part of a good faith effort to maintain order or restore discipline, violated petitioner's rights under the Eighth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, petitioner demands an evidentiary hearing and the following relief:

- a. Compensatory damages in an amount to be determined by a jury;
- b. Punitive damages in an amount to be determined by a jury;
- c. Costs, interest and attorney's fees;
- d. Such other and further relief as this court may deem just and proper, including injunctive and declaratory relief.

DATED: July 26, 2021  
New York, New York

DEREK GLOVER, PRO SE  
2299 Seventh Avenue, Apt 4B

New York, NY 10030

By:

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DEREK GLOVER

**DECLARATION OF SERVICE**

Derek Glover, declares, that he is pro se, living in a shelter states the following, that:  
On July 26 2021, caused to be served the attached first amended answer upon the following by  
delivering a true copy to said individual personally at the address set forth below:

DARCEL D. CLARK, District Attorney  
CLARA H. SALZBERG  
JOSHUA P. WEISS, Assistant District Attorney  
Bronx County  
198 East 161<sup>st</sup> Street  
New York, New York 10451

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DEREK GLOVER



# EXHIBIT C



**United States District Court  
Southern District of New York**  
[Temporary Pro Se Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov).

## **INSTRUCTIONS: EMAIL PRO SE FILINGS**

### **How do I email documents to the Clerk's Office for filing?**

- **SIGN.** You must sign your document by either signing the document before you scan it or typing "/s/ [Your Name]." The Court will accept typed signatures in this format.
- **CONTACT INFORMATION.** The document must include your name, address, telephone number and email address (if available).
- **SUBJECT LINE.** For existing cases, the subject line of the email must read, "Pro Se Filing – XX-CV-XXXX." For new cases, the subject line of the email must read, "Pro Se Filing – New Case."
- **EMAIL** the PDF document to  
[Temporary Pro Se Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov).

### **Can I start a new case by email?**

- **YES.** To start a new case, you may email your complaint to  
[Temporary Pro Se Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov).
- In addition to emailing your complaint, you must either (1) email an application requesting that the fee be waived, available at <https://nysd.uscourts.gov/node/838>, or (2) pay the filing fee of \$400. If you are paying the filing fee, add to the subject line, "Pro Se Filing – New Case – FEE PAID." Payment must be made within 21 days by certified check or money order, made out to Clerk, USDC, SDNY, and mailed to: Cashiers-Room 120, 500 Pearl Street, New York, NY 10007. The check must include the case number, which you can learn by calling (212) 805-0175.

### **Can I include any questions or information in my email?**

- **NO.** You must only include the attached document(s) for filing. No one will read messages in the body of the email and no one will respond to any questions.

### **Will someone respond to my email?**

- **NO.** This email address cannot respond to inquiries. The Clerk's Office will download the email attachment. This is a NO-REPLY email address. But you may call (212) 805-0175 to confirm that your documents were received. Please wait at least one week before calling.

### **Can I email the assigned judge instead?**

- **NO.** Any submission emailed to any other court email address will be disregarded by the recipient.

### **Can the Clerk's Office assist with scanning?**

- **NO.** If you are unable to email your documents, you must submit them by mail to the Pro Se Intake Unit.

### **Can someone email my documents for me?**

- **YES.** But please include your email address, if available, in the document. The Court will only communicate with the email address listed on the filed documents, and only if you have consented to receive court documents by email.

### **Can I receive court documents by email?**

- **YES.** Complete and email a signed [consent to electronic service](#) form.

### **Do I need to serve my adversary?**

- **NO.** After the document is emailed to the Court and electronically filed, your adversary will receive electronic notification of the filing.

# **EXHIBIT D**



**United States District Court  
Southern District of New York  
*Pro Se Office***

## **Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>2</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.



**United States District Court**  
**Southern District of New York**  
*Pro Se Office*

## CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

**Civil case(s) filed in the Southern District of New York:**

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

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Address	City	State	Zip Code
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Telephone Number	E-mail Address
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Date	Signature
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**Return completed form to:**

Pro Se Office (Room 200)  
 500 Pearl Street  
 New York, NY 10007

# **EXHIBIT E**

Revised: July 13, 2021

**INDIVIDUAL RULES AND PRACTICES IN CIVIL *PRO SE* CASES**  
**Jesse M. Furman, United States District Judge**

**Pro Se Office**

United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Centre Street, Room 105  
New York, NY 10007  
(212) 805-0175

**Unless otherwise ordered by the Court, these Individual Rules apply to all civil cases involving *pro se* litigants (that is, litigants without counsel) before Judge Furman.**

**1. Communications with Chambers**

- A. Telephone Calls by a *Pro Se* Party.** *Pro se* parties may not call the Court directly; any questions should be directed to the *Pro Se* Office at (212) 805-0175.
- B. Written Communications By a *Pro Se* Party.** All communications with the Court by a *pro se* party should be in writing and delivered in person, mailed, or (as discussed in Paragraph 2(B) below) emailed to the *Pro Se* Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. **No documents or court filings may be sent directly to Chambers.** Unless the Court orders otherwise, all communications with the Court will be docketed upon receipt; such docketing shall constitute service on any user of the ECF system. If any other party is not a user of the ECF system (*e.g.*, if there is another *pro se* party in the case), a *pro se* party must send copies of any filing to that party and include an Affidavit of Service or other statement affirming that it has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.
- C. Communications by Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Furman's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.
- D. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and must state: (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) the reasons for the requested extension; (5) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (6) the date of the parties' next scheduled appearance before the Court as well as any other existing deadlines. Requests for extensions of deadlines regarding a matter that



has been referred to a Magistrate Judge shall be addressed to that assigned Magistrate Judge.

Absent an emergency, any request for extension or adjournment shall be made *at least 48 hours* prior to the deadline or scheduled appearance. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline.

## 2. Filing of Papers and Service

- A. Consent to Receive Electronic Service.** To ensure timely service of documents, including Court Orders, non-incarcerated *pro se* parties are encouraged to consent to receive electronic service through the ECF System. To do so, a *pro se* party should review the instructions available at [https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent\\_Pro-Se\\_Eservice-Instructions.pdf](https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-Instructions.pdf), and then submit a Consent to Electronic Service (available at [https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent\\_Pro-Se\\_Eservice-form.pdf](https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-form.pdf)).
- B. Papers Filed by a *Pro Se* Party.** A *pro se* party may file papers with the Court by:
- i. delivering them in person to the *Pro Se* Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007;
  - ii. mailing them to the *Pro Se* Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007;
  - iii. emailing them as an attachment in PDF format to [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov), in which case the *pro se* party should follow the instructions contained in the April 1, 2020 Addendum to the Court's ECF Rules & Instructions, available at <https://www.nysd.uscourts.gov/electronic-case-filing>; or
  - iv. filing them on the ECF System if the *pro se* party has filed a motion to participate in ECF (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the *Pro Se* Office) and been granted such permission by the Court.
- C. Service on a *Pro Se* Party.** Absent a *pro se* party consenting to receipt of electronic service, counsel in *pro se* cases must serve a *pro se* party with a paper copy of any document that is filed electronically and must file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the *pro se* party was served will not be considered.

### 3. Discovery

All requests for discovery by a *pro se* party should be sent to counsel for the party from whom discovery is sought. Discovery requests should not be sent to the Court.

If there are any discovery disputes, the parties are required to confer with one another in an effort to resolve the dispute without the need for Court intervention. If the parties are unable to resolve their dispute, either party may file a letter-motion, no longer than three pages and in accordance with Paragraph 1 above, explaining the nature of the dispute and requesting an informal conference. If the opposing party wishes to respond to the letter, it must promptly file a responsive letter, not to exceed three pages.

### 4. Motions

- A. **Filing and Service.** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within 30 days of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.
- B. ***Pro Se* Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.
- C. **Special Rule for Summary Judgment Motions.** With respect to any deposition that is supplied, whether in whole or in part, in connection with a summary judgment motion, the index to the deposition should be included if it is available.
- D. **No Courtesy Copies.** Unless the Court orders otherwise, parties should not submit courtesy hard copies of any submissions in *pro se* cases.
- E. **Oral Argument.** Unless otherwise ordered by the Court, oral argument will not be heard in *pro se* matters.

### 5. Initial Case Management Conference

Absent a motion to dismiss, the Court will generally schedule an initial case management conference within four months of the filing of the complaint. The Notice of Initial Pretrial Conference will be docketed on ECF and mailed to the *pro se* party or parties. Unless and until the Court orders otherwise, the conference will be held in person in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York NY. If any party wishes for the conference to be conducted remotely (by telephone or video), he or she should confer with all other parties and promptly file a letter to that effect with the Court.

The Court will set a schedule for the case at the initial case management conference. In most cases, the Court will give the parties four months (from the date of the conference) to complete all discovery, and set a deadline for the filing of any motions for summary judgment 30 days after the close of discovery. In advance of the initial case management conference, the parties should, if practicable, confer with one another to determine if such a schedule would be appropriate or if there is anything unusual about the case that would require more time and be prepared to discuss those issues at the conference. The Court will issue a written order memorializing all dates and deadlines following the conference.

An incarcerated party may not be able to attend this or other conferences, but may be able to participate by telephone. If an incarcerated party does not have counsel and is unable to participate by telephone, a family member or a representative may attend the conference. In such instances, the incarcerated party may write to the Court in advance of the conference regarding any issue the *pro se* party wishes to have addressed at the conference. If a representative is designated, he or she should contact Chambers at (212) 805-0282 to determine the location of the conference. The Court will also have a transcript of the conference sent to the incarcerated party.

## 6. Trial Documents

**A. Pretrial Statement.** Unless otherwise ordered by the Court, within 30 days of the completion of all discovery or, if a summary judgment motion is filed, within 30 days of the Court's ruling on summary judgment, the plaintiff in a *pro se* case shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the plaintiff hopes to prove at trial; (2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses the plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. If *pro se*, the plaintiff shall file an original of this Statement with the *Pro Se* Office. Two weeks after service of the plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.

**B. Other Pretrial Filings.** If the case is to be tried before only a Judge without a jury, any parties represented by counsel must also file proposed findings of fact and conclusions of law at the time of filing the Pretrial Statement. If the case is to be tried before a jury, any parties represented by counsel must also file proposed *voir dire* questions, a proposed jury charge, and a proposed verdict form at the time of filing the Pretrial Statement. At the time of filing, a represented party should e-mail these documents to the Court ([Furman\\_NYSDChambers@nysd.uscourts.gov](mailto:Furman_NYSDChambers@nysd.uscourts.gov)), in both .pdf and Microsoft Word formats. The *pro se* party may file such documents, but is not required to do so and need not submit them by e-mail.

## **7. *Pro Se* Clinic**

There is a *Pro Se* Law Clinic in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide a non-incarcerated *pro se* litigant with advice in connection with his or her case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. Under normal circumstances, the Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling (212) 659-6190.